

AMENDED IN SENATE APRIL 29, 2003

AMENDED IN SENATE APRIL 9, 2003

SENATE BILL

No. 277

Introduced by Senator Ducheny

February 18, 2003

An act to add Section 2840 to the Fish and Game Code, relating to water, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 277, as amended, Ducheny. Natural Community Conservation Plan: Salton Sea.

(1) Existing law, the Natural Community Conservation Planning Act, authorizes the Department of Fish and Game to enter into agreements with any person or public entity for the purpose of preparing a natural community conservation plan, to provide comprehensive management and conservation of multiple wildlife species. *Existing law requires the department, if certain requirements are met, to approve a natural community conservation plan for implementation.*

This bill would ~~require the department to require the Metropolitan Water District of Southern California to develop the natural community conservation plan for the water transfer between the San Diego County Water Authority and the Imperial Irrigation District to ensure that the plan takes into account the long-term restoration of the Salton Sea; thereby imposing a state-mandated local program~~ authorize the Department of Fish and Game to approve a natural community conservation plan that is proposed as a condition of, or that is related to, a water transfer between the Imperial Irrigation District and the San

Diego County Water Authority if that department makes a certain determination.

(2) Existing law continuously appropriates money in the Fish and Game Preservation Fund to the department and the Fish and Game Commission to pay all necessary expenses incurred in carrying out the Fish and Game Code and other state laws.

By imposing new duties on the department, the bill would make an appropriation.

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: *yes no*.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The Salton Sea is a valuable asset to the state and the nation.
4 Protection of this national resource is the responsibility of the state
5 and the nation.

6 (b) The search for alternatives for carrying out the restoration
7 of the Salton Sea in connection with the implementation of a
8 proposed water transfer will help ensure that California can live
9 within its entitlement to the use of 4.4 million acre-feet of
10 Colorado River water. The implementation of the interim surplus
11 guidelines and the maintenance of a stable water supply for
12 California are essential to improving California's economy.

13 (c) It is important to the State of California to do all of the
14 following:

15 (1) Promote a comprehensive plan that protects and improves
16 the long-term viability of the Salton Sea and surrounding areas,

1 including fish and wildlife resources, air and water quality, and
2 recreational opportunities.

3 (2) Increase public awareness and support for protecting the
4 long-term health of the Salton Sea ecosystem.

5 (3) Promote the Salton Sea as an integral part of the Pacific
6 Flyway, Colorado River, Colorado River Delta, and historic Lake
7 Cahuilla.

8 (4) Coordinate and collaborate with organizations working to
9 protect and restore other ecosystems connected to the Salton Sea.

10 ~~SEC. 2. The Department of Fish and Game shall require the~~
11 ~~Metropolitan Water District of Southern California to develop the~~
12 ~~natural community conservation plan for water transfer between~~
13 ~~San Diego County Water Authority and the Imperial Irrigation~~
14 ~~District to ensure that the plan takes into account the long-term~~
15 ~~restoration of the Salton Sea.~~

16 ~~SEC. 3. Notwithstanding Section 17610 of the Government~~
17 ~~Code, if the Commission on State Mandates determines that this~~
18 ~~act contains costs mandated by the state, reimbursement to local~~
19 ~~agencies and school districts for those costs shall be made pursuant~~
20 ~~to Part 7 (commencing with Section 17500) of Division 4 of Title~~
21 ~~2 of the Government Code. If the statewide cost of the claim for~~
22 ~~reimbursement does not exceed one million dollars (\$1,000,000),~~
23 ~~reimbursement shall be made from the State Mandates Claims~~
24 ~~Fund.~~

25 *SEC. 2. Section 2840 is added to the Fish and Game Code, to*
26 *read:*

27 *2840. The Department of Fish and Game may approve a*
28 *natural community conservation plan that is proposed as a*
29 *condition of, or that is related to, a water transfer between the*
30 *Imperial Irrigation District and the San Diego County Water*
31 *Authority if it determines that the plan, as submitted by the lead*
32 *agency, is consistent with the long-term restoration of the Salton*
33 *Sea.*